

REMARKS

While reviewing the Examiner's Answer mailed June 13, 2005, several mischaracterizations and unsupported assertions were noted. Of these, two will be highlighted in the following remarks. The remainder appear to be adequately addressed in Appellant's Amended Appeal Brief, filed March 10, 2005.

First, the Examiner's Answer improperly asserts that Nakamura's requesting unit associates end point connection information with a location identifier. Second, the Examiner's Answer evidences a wresting of the Appellant's specification and claims to arrive at an improper definition for Appellant's "network infrastructure device."

**I. The Examiner's Answer Improperly Asserts that Nakamura's Requesting Unit Associates End Point Connection Information with a Location Identifier.**

The Examiner's Answer states that "Nakamura teaches a device (comprising a requesting unit, col. 2, lines 44-56) associating end point connection information for outlet (101) (A1, B1, C1, D1), with a location identifier (Room A, Room B, Room C, Room D), (col. 18, lines 39-52), and learning that any device relaying to the outlet is located in corresponding Rooms A, B, C, or D, (col. 19, lines 3-11)." However, under examination, these citations do not support these assertions. Nakamura never discloses any structure, device, or executable that associates one piece of information (*i.e.*, end point connection information) with another piece of information (*i.e.*, a location identifier).

Nakamura's device simply returns information (*i.e.*, a "room index," a string of characters) stored therein by a human being who has decided upon and input that information. (Nakamura column 17, lines 62-65 and column 18, lines 39-44.) Thus, Nakamura's device makes no association, but simply gives back the stored information (the string of characters) when requested, for display to a human being. For example, Nakamura column 18, lines 39-44 states that "a device

that is connected directly to the outlet 101 reads position information stored in the position info entry 2303 of the outlet 101. The PC 112 connected to the outlet 101 in room A reads room index 'A1' from the position info entry 2303 of the outlet 101, and stores it in its position info entry 2303."

Noticeably absent in this selection from Nakamura, as well as all others, is any structure, device, or executable capable of making an association between "A1" and "Room A." Nakamura simply states that the device (*e.g.*, outlet 101) in "Room A" stores "A1," the humanly created and therefore humanly recognizable string someone previously input for future reference. It (*i.e.*, "A1") may refer to a room number and a port number, but is so correlated and interpreted only by a human. Accordingly, there is no association for any structure, device, or executable of Nakamura to make. Any necessary association was made previously by a human before the result was input. For this reason, the room index can be "written in advance when the outlet 101 is installed...." and "...never changed." (Nakamura column 17, lines 61-65.)

In contrast, Appellant's recited apparatus obtains network topology information (*e.g.*, end point connection information) by query directed to network infrastructure. Appellant's claimed invention includes a correlation module associating "end point connection information corresponding to the first network device to a location identifier corresponding to a physical location." The physical location information is stored and related to network infrastructure. Once a new device connects, it is known as to topology in any network. Through a query going in any suitable direction, the topology and geography application to the "first network device" (*i.e.*, an end point station, not network infrastructure) can be automatically correlated without human intervention and provided as needed.

As a result, Appellant's invention can handle "end point connection information" that is already being used in current computer networks, but that is not immediately humanly interpretable. That is, while "port 25 of router 5" does not obviously refer to any physical location, it may still be

used by Appellant's invention. Appellant's claimed correlation module will do the dirty work and associate the nonobvious "end point connection information" with a "location identifier" to determine the physical location. This claimed functionality of Appellant's correlation module supports the use of network topology information, which is processed and transmitted by all computer networks, without the need for the programable outlets relied upon by Nakamura. As a result, Appellant's invention is structurally distinct from, and includes greater utility than, the system taught by Nakamura.

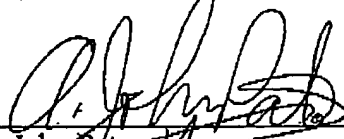
**III. The Examiner's Answer Evidences a Wresting of the Appellant's Specification and Claims to Arrive at an Improper Definition for Appellant's "Network Infrastructure Device."**

Contrary to the assertions of the Examiner's Answer, the context of "network infrastructure device" makes it improper to broaden the term to include "any intelligent network device." Appellant's specification distinguishes "network infrastructure devices" such as switches, routers, and hubs, and "other network devices" such as computers, servers, printers, scanners, and the like. For example, Appellant's specification states that "[a] computer network generally includes a number of intelligent network infrastructure devices, including without limitation switches, routers, hubs, and others, connected so as to allow communication among other network devices and end station devices, such as personal computers ("PCs"), servers, printers, scanners, fax machines, and the like." (Appellant's Spec. page 1, lines 23-26, emphasis added.) Accordingly, the examiner's synonymous use of "network infrastructure device" and "any intelligent network device" is improper. Appellant asserts that the "network infrastructure device" should be defined according to its dictionary definition, which is the definition supported by a contextual analysis of the Appellant's specification and claims.

In view of the foregoing, Appellant asserts that Nakamura fails to anticipate Appellant's claimed invention. Attached hereto is a Form PTO-2038, authorizing credit card payment in the amount of two hundred fifty dollars (\$250) as required by 37 C.F.R. § 41.20(b)(2) for filing a brief in support of an Appeal. Accordingly, Appellant respectfully requests that the rejections of claims 1-27 be withdrawn and that claims 1-27 be allowed.

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Respectfully submitted,

  
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